

MINUTE ORDER

Case Number 16HF0902 F A

People Vs Laun, Mark Owen

Report Request Criteria

1. Docket Date Range : Date filter
2. Sequence Number Range : Sequence filter
3. Docket Category : Category filter

Docket Dt Seq Text

- 10/28/2021 1 **Hearing held on 10/28/2021 at 04:00 PM in Department C5 for Chambers Work .**
- 2 Judicial Officer: Cheri T Pham, Judge
- 3 Clerk: T. Ebbert
- 4 No Court Reporter present at proceedings.
- 5 No appearance by parties.
- 6 Having read and considered defendant's request that "all measures normally applied for a dismissal under Penal Code Section 1203.4 be executed for [his] case in [this] jurisdiction so that it does not show the conviction on a background check or other public records, " the Court makes the following order:
- The Court takes no action on defendant's request. Because defendant's case was transferred to Los Angeles County Superior Court while he was on probation, that court has "the entire jurisdiction over the case, " pursuant to Penal Code Section 1203.9, and this court lacks jurisdiction to adjudicate a motion brought by defendant. The Court's minutes reflect that the case was transferred pursuant to Penal Code Section 1203.9, and the Los Angeles County Superior Court's records presumably reflect that the case was dismissed pursuant to Section 1203.4. While Section 1203.4 relief provides substantial benefits, as a successful probationer is generally released from all the "penalties and disabilities" which otherwise would have resulted from the convictions, relief under section 1203.4 "does not purport to render the conviction a legal nullity." (People v. Vasquez (2001) 25 Cal.4th 1225, 1230.) "Section 1203.4 does not, properly speaking, "expunge" the prior conviction, " nor does it make the conviction records unavailable to the public. (See People v. Frawley (2000) 82 Cal.App.4th 784, 791; People v. Field (1995) 31 Cal.App.4th 1778, 1787.) "The fact information in the records is accessible to the public, of itself, is not a penalty or disability." (People v. Sharman (1971) 17 Cal.App.3d 550, 552.)
- 7 The clerk of the court is directed to serve a copy of the minute order on the Office of the Orange County District Attorney and the defendant
- 8 Copy of this minute order forwarded to Office of the Orange County District Attorney - Writs and Appeals Unit.
- 9 Certified Copy of this minute order mailed to Mark Laun 31 Galaxy Lane Richland, WA 99354.